

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

V.

CMI of Kentucky, Inc.,
a Kentucky corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian,
Shane M. Steffensen, and Christopher D.
Jacobsen,

Plaintiff-Intervenors.

**AFFIDAVIT OF DAVID M. AAFEDT IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS PLAINTIFF-INTERVENOR JACOBSEN**

STATE OF MINNESOTA)
) ss:
COUNTY OF HENNEPIN)

David M. Aafedt, having been duly sworn upon oath, states as follows:

1. I am an attorney duly licensed to practice law in the State of Minnesota and admitted to practice before this Honorable Court. I am a shareholder with the law firm of Winthrop & Weinstine, P.A., 225 South Sixth Street, Suite 3500, Minneapolis,

Minnesota 55402, and represent the Defendant in the above-captioned matter. I respectfully submit this affidavit upon personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of page 18 of the Plaintiff State of Minnesota's (the "State") October 1996 Request for Proposal (the "RFP") for Evidentiary Breath Alcohol Test Instruments.

3. Attached hereto as Exhibit 2 is a true and correct copy of an unnumbered page of Defendant CMI of Kentucky, Inc.'s ("CMI") Proposal in response to the State's RFP.

4. Attached hereto as Exhibit 3 is a true and correct copy of "Exhibit E" to CMI's Proposal in response to the State's RFP.

5. Attached hereto as Exhibit 4 is a true and correct copy of page 7 of the State's RFP.

6. Attached hereto as Exhibit 5 is a true and correct copy of page 2 of the State's RFP.

7. Attached hereto as Exhibit 6 is a true and correct copy of page 1 of the State's January 2, 1997 Notification of Contract Award to CMI.

8. Attached hereto as Exhibit 7 is a true and correct copy of page 3 of the State's RFP.

9. Attached hereto as Exhibit 8 is a true and correct copy of page 4 of the State's RFP.

10. Attached hereto as Exhibit 9 is a true and correct copy of page 5 of the State's RFP.

11. Attached hereto as Exhibit 10 is a true and correct copy of page 2 (out of sequence) of the State's Notification of Contract Award to CMI.

12. Attached hereto as Exhibit 11 is a true and correct copy of page 2 (out of sequence) of CMI's Proposal in response to the State's RFP.

13. Attached hereto as Exhibit 12 is a true and correct copy of Amendment No. 1 to the Contract between the State and CMI.

14. Attached hereto as Exhibit 13 is a true and correct copy of Amendment No. 2 to the Contract between the State and CMI.

15. Attached hereto as Exhibit 14 is a true and correct copy of Amendment No. 3 to the Contract between the State and CMI.

16. Attached hereto as Exhibit 15 is a true and correct copy of Amendment No. 4 to the Contract between the State and CMI.

17. Attached here to as Exhibit 16 is a true and correct copy of page 22 of the State's RFP.

FURTHER YOUR AFFIANT SAYETH NOT.

s/David M. Aafedt
David M. Aafedt

Subscribed and sworn to before me
this 16th day of February, 2009.

s/Elizabeth H. Mulvaney
Elizabeth H. Mulvaney
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2010

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